

IN THE U.S. PATENT AND TRADEMARK OFFICE

Appellants: James T. LaGrotta et al.
Application No.: 09/919,020
Art Unit: 2614
Filed: July 31, 2001
Examiner: Karen L. Le
For: USE OF OVER-THE-AIR OPTICAL LINK
WITHIN A GEOGRAPHICALLY DISTRIBUTED
BASE STATION
Attorney Docket No.: 129250-002151/US

APPELLANTS' REPLY BRIEF ON APPEAL

MAIL STOP APPEAL BRIEF - PATENTS

Customer Service Window
Randolph Building
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February 28, 2008

ARGUMENTS:

A.) The Combination of Cited References Is Impermissible

Claims 1-7, 10-13 and 16

In the Answering Brief ("Answer"), the Examiner acknowledges that the so-called "admitted prior art" in the present specification does not disclose "wireless optical communication equipment being adapted to communicate signals between...first wireless RF communication equipment and processing and control equipment" as in claims 1-7, 10-13 and 16. To make up for this deficiency the Examiner continues to rely upon Willebrand.

Appellants respectfully submit that this combination is impermissible because it would require one or both of the references to change their principle of operation.

For example, the system shown in Figure 1 of the specification which the Examiner relies upon as the admitted prior art depicts a cable 130 connecting RF communication equipment 320 with processing and control equipment 120. Thus, the two pieces of equipment depicted in Figure 1 are not configured to exchange wireless signals, let alone wireless optical signals. In order to do so, the system shown in Figure 1 would have to change its principle of operation to receive (i) wireless signals between the two pieces of equipment, and (ii) wireless optical signals provided by Willebrand. This is impermissible.

No doubt foreseeing the difficulty in combining these two references the Examiner argues that "[a] provider can always replace wired system with wireless system or vise versa [sic]" and that "[it] is inherent to replace wired link with wireless link". However, neither of these two statements sufficiently explains how the allegedly admitted prior art can be combined with Willebrand without requiring the admitted prior art to drastically change its principle of operation.

B.) Claims 17-19, 22-25 and 28-30

Claims 17-19, 22-25 and 28-30 include the features of: (a) modulating a signal representing an RF signal onto an optical signal; (b) transmitting the optical signal using wireless optical communication equipment to a processing/control section; wherein (c) the processing/control section is a significant distance from an RF antenna.

In contrast, the alleged admitted prior art discloses an RF antenna and processing/control sections connected by a cable; there is no transmission of a signal using wireless optical communication equipment. The Examiner again appears to rely upon Willebrand to make up for this deficiency.

For similar reasons as set forth above with respect to claims 1-7, 10-13 and 16, the Appellants respectfully submit that it is impermissible to combine the two references because to do so would require the principle of operation of the admitted prior art to change. For example, the system shown in Figure 1 would have to change its principle of operation to receive optical signals sent over the wireless optical communication equipment provided by Willebrand. This is impermissible.

Conclusion:

Appellants respectfully request that the members of the Board reverse the Examiner's rejection of claims 1-7, 10-13, 16-17, 20-25 and 28-30 and allow these claims.

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The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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